

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ARTIS X. JOHNSON,

Petitioner,

v.

Case No. 03-CV-71656

SHERRY L. BURT,

Respondent.

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**ORDER DENYING PETITIONER'S  
"MOTION FOR HABEAS CORPUS AD TESTIFICANDUM . . ."**

Plaintiff Artis X. Johnson, a prisoner currently incarcerated at the Carson City Correctional Facility in Carson City, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 16, 2003, the court issued an Opinion and Order transferring the petition to the Court of Appeals for the Sixth Circuit because it was a successive habeas petition. Petitioner then filed a "Motion for Reconsideration or in the Alternative, Application for Leave to File Interlocutory Appeal, Pending Appellate Review," which the Court denied on January 10, 2005. Now before the court is Petitioner's "Motion for Habeas Corpus Ad Testificandum to Bring Up a Prisoner to Testify."

In his motion, Petitioner asks for an evidentiary hearing to address issues raised in his habeas corpus petitioner. The court lacks authority to grant him the requested relief. Following transfer from this court pursuant to 28 U.S.C. § 1631 and 28 U.S.C. § 2244(b)(3)(A), the Sixth Circuit Court of Appeals denied Petitioner permission to file a second or successive habeas petition in the district court. *In re: Artis X. Johnson*, No.

04-1044 (6th Cir. Oct. 4, 2004). Given the Court of Appeals' opinion denying Petitioner permission to file a second or successive petition, this court lacks authority to order an evidentiary hearing on the petition. Accordingly,

IT IS ORDERED that Petitioner's "Motion for Habeas Corpus Ad Testificandum to Bring Up a Prisoner to Testify" [Dkt. # 28] is DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 15, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 15, 2005, by electronic and/or ordinary mail.

S/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522